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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,180	11/14/2001	Chet Butikofer	10013218	6372

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HEWLETT-PACKARD COMPANY
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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,180

Applicant(s)

BUTIKOFER ET AL.

Examiner

Davetta W. Goins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, 7, 10-13, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishii (US Pat. 6,698,950 B2).

In reference to claims 1, 3, 4, 7, 10, 18, 19, Nishii discloses a) the claimed method of remotely detecting a potential user of the imaging device and the method of determining whether the potential user of the imaging device is a likely user of the imaging device in response to remotely detecting the potential user, which is met by the CPU 76 of a printer 1 determining whether a person approaching the printer 1 is wearing ID card 6 matches one of the ID numbers stored in management memory 16; the CPU 76 receives radio wave communication for user identifying portion 19 (col. 6, lines 1-20), and b) the claimed method of beginning an initialization of the imaging device in response, at least in part, to detecting the potential user and determining that the potential user is a likely user of the imaging device, which is met by once the controller of the printer determines that the person wearing the ID number matches an ID number stored

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within the memory or the controller, the printer job will then begin (col. 7, lines 55-67; col. 8, lines 18-67; col. 9, lines 1-5).

In reference to claim 11, Nishii discloses a) the claimed network, which is met by network line system (col. 5, lines 1-7), b) the claimed at least one imaging device in communication with the network, which is met by printer 1 in communication by way of a network line 5 (col. 5, lines 1-7), c) the claimed at least one sensor in communication with the network to detect a potential user, which is met by transceiver 62 via antenna 61 capable to receiving radio waves from Id card 6 belonging to a user (col. 6, lines 4-20), d) the claimed management facility in communication with the network with the at least one imaging device and the at least one sensor, which is met by the network system used by a multiple number of users (col. 5, lines 1-43), e) the claimed management facility is adapted to initialize one or more of the imaging devices in response to a predefined criteria, wherein the predefined criteria comprises at least whether a sensor indicates detection of a potential user; and the predefined criteria further comprises an indication of a likelihood that the potential user might desire to use one or more of the imaging devices prior to the potential user accessing the network or any of the imaging devices, which is met by the CPU 76 of a printer 1 determining whether a person approaching the printer 1 is wearing ID card 6 matches one of the ID numbers stored in management memory 16; the CPU 76 receives radio wave communication for user identifying portion 19 (col. 6, lines 1-20). Once the controller of the printer determines that the person wearing the ID number matches an ID number stored within the memory or the controller, the printer job will then begin (col. 7, lines 55-67; col. 8, lines 18-67; col. 9, lines 1-5).

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In reference to claims 12, 13, Nishii discloses the claimed at least one sensor a proximity sensor, which is met by a person's ID card 6 (transponder) once the person walks "about" and enters the radio wave communication coverage of the user identification portion 19 such that the antenna 71 can read the user's ID number (col. 6, lines 4-20).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii.

In reference to claim 2, although Nishii does not specifically disclose the claimed method of detecting a potential user of the imaging device comprises detecting that a person has entered a facility housing the imaging device, he does disclose a transceiver 62, on printer 1, that receives signals from a person's ID card 6 once the person walks "about" and enters the radio wave communication coverage of the user identification portion 19 such that the antenna 71 can read the user's ID number (col. 6, lines 4-20). Since Nishii discloses the use of transmitting radio waves that are received by an antenna for determining whether the ID number of a person is recognizable, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to provide antennas that are located anywhere within a facility housing an image device to ensure that the radio waves will be received at appropriate locations that will read the ID number prior to the user reaching the image device and therefore allowing appropriate time required for the image device to become fully initialized prior to the user reaching the image device.

5. Claims 5, 6, 14, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii in view of Gonella, Jr. et al. (US Pat. 6,577,825).

In reference to claims 5, 6, 14, 15, 20, although Nishii does not specifically disclose the claimed method of determining whether the potential user of the imaging device is a likely user of the imaging device; and beginning the initialization of the imaging device only when the potential user of the imaging device is a likely user of the imaging device, he does disclose a user identifying portion 19 that detects an ID number of a user and compares the number with what's stored in management memory 16 to determine whether the ID number is recognized prior to beginning the printer job (col. 8, lines 16-67; col. 1-5). Gonella discloses a sensor interface 124, for controlling the image-forming machine 100, will delay (after a predetermined time) the warm-up procedure until a second signal has been confirmed, from at least another sensor, prior to beginning the warm-up procedure; thus ensuring that the image processing device will be used by a user (col. 7, lines 7-27). Since both Nishii and Gonella disclose imaging devices that sense the presence of a person prior to initializing the device, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching including a delay,

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as disclosed by Gonella, with the system of Nishii, to provide enough time that will allow the system to determine whether the detected person is authorized to use the imaging device.

6. Claims 8, 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishii in view of Nakamura et al. (US Pat. 6,151,464).

In reference to claims 8, 9, 17, Nishii discloses a) the claimed method of determining a potential user of the imaging device; determining whether the potential user of the imaging device is a likely user; which is met by the CPU 76 of a printer 1 determining whether a person approaching the printer 1 is wearing ID card 6 matches one of the ID numbers stored in management memory 16; the CPU 76 receives radio wave communication for user identifying portion 19 (col. 6, lines 1-20), and b) the claimed method beginning an initialization of the imaging device in response, at least in part, to detecting the potential user, and only when the potential user of the imaging device is a likely user of the imaging device, which is met by once the controller of the printer determines that the person wearing the ID number matches an ID number stored within the memory or the controller, the printer job will then begin (col. 7, lines 55-67; col. 8, lines 18-67; col. 9, lines 1-5). Although Nishii does not specifically disclose the claimed method of determining whether the potential user of the imaging device is a likely user of the imaging device further comprises evaluating past behaviors of the potential user, he does disclose a memory 16 that stores ID numbers of various users of the printer 1 and writes the time at which the ID number was recognized into a reception/identification table 22; the system is then capable of determining the priority of each user (col. 8, lines 18-58). Nakamura discloses a system that

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recognizes a user's ID number prior to operating an imaging device, a plurality of ID numbers are detected and presence of respective print jobs corresponding to these ID numbers is confirmed, prioritization in outputting is determined based on this managed history information so that a print job requested by a user with a shorter average picking-up period is outputted earlier (col. 31, lines 7-43). Since both Nishii and Nakamura disclose systems that keep a log of each user, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using the history as behavior of the user(s), as disclosed by Nakamura, with the system of Nishii, as a means for conserving power and not unnecessarily initializing the imaging device when not needed.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957.

The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.W.G.
June 9, 2005

Davetta W. Goins
Primary Examiner
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